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IN THE

SUPREME COURT OF THE UNITED STATES

DAVID KISSI , PETITIONER PRO SE

Vs.

TRUSTEE RICHARD M. KREMEN, RESPONDENT

AND DK&R COMPANY, DEBTOR-RESPONDENT

A PETITION FOR A REHEARING OF A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

CASE # 06-1120

David Kissi, Petitioner
325 Pennsylvania Ave., SE
Washington, DC 20003
202-675-6365

No. 06-1000

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID KISSI , PETITIONER PRO SE
Vs.
TRUSTEE RICHARD M. KREMEN, RESPONDENT
AND DK&R COMPANY, DEBTOR-RESPONDENT

A PETITION FOR A REHEARING
IN RE: A WRIT OF CERTIORARI TO THE
U.S. COURT OF APPEALS F
OR THE FOURTH CIRCUIT

I, David Kissi, the Petitioner, pursuant to Rule 44 of the Rules of the U.S. Supreme Court, request that this court should rehear my petition for Writ of Certiorari which it denied on March 26, 2007. Creditor Pramco, LLC and Respondent Trustee Richard M. Kremen perpetuated fraud upon the court pursuant to Rule 60(b)(3) to have about $3 million of our real estate seized to satisfy Pramco's fraudulently obtained summary judgments, even though the same Pramco had been unable to prove its same claims in the U.S. Bankruptcy Court in Baltimore for a smaller amount of $300,000 The said fraud did amount to an unconscionable scheme intended to fabricate evidence to support Pramco's claims and to fraudulently influence the lower Court's decision. See Roger Edwards, LLC v. Fiddes & Son, Ltd., 226

F.R.D. 18 (D. Me. 2005); Crateo, Inc. v Intermark, Inc. (CA9 Cal) 536 F2d 852, cert denied 429 US 896, 50 L Ed 2d 180, 97 S Ct 738; United States v Standard Oil Co. (DC Cal) 73 FRD 612.

Newly Discovered Evidence Pursuant to 60(b)(2) And Federal Rule of Evidence §§ 401 and 239 SE 2d 811

The issue that Pramco had obtained summary judgments by fraud became apparent after the Small Business Administration (SBA) sent us a disclaimer letter on 8/24/2005 that says that the SBA, in its role as DK&R Company's co-guarantor, sold the subject loans to creditor Pramco without the proper paperwork that could have supported Pramco to prove its claim against DK&R's Chapter 7 Estate. See U.S. Case # 00-61147SD Also, see Writ of Certiorari #06-1000, Appendix C This newly discovered evidence pursuant to Rule 60(b)(2) in the form of a disclaimer letter wasn't available to us after we had conducted due diligence at the period when U.S. Judge Peter J. Messitte of Greenbelt, MD was granting summary judgments to Pramco in 5/2003 and on 4/5/2004. See Writ of Certiorari #06-1000, Appendices N and O

It is also important that the High Court, upon rehearing, should admit the said SBA disclaimer letter into the record for it is material to issues which are determinative of the controversy. See Dames v. State, 314 So. 2d 171 (Fla.

Dist.Ct. App. 3d District 1975) and Highlands Cable Television, Inc. v. Wong 547 S.W. 2d 324 (Tex. Civ. App. Austin 1977). In fact, this newly discovered evidence affects the merits of the dispute for it shows that creditor Pramco did make misrepresentations about its claims to induce Judge Messitte to grant it a summary judgment in 5/2003 of $855,000 against us, an amount three times greater than the $300,000 it was entitled to if it could have proven its claims in any court. See Vanal Styne v. Whalen, 15 Mass. App. Ct. 34, 445 N.E. 2d 1073 (1983) and re: Missouri-Kansas Pipe Line Co. (Sup) 23 Del Ch 215, 2 A2d 273.

Instances of Fraud Perpetrated Upon The Court By Pramco's Attorneys Emil Hirsch and James Ryan

Emil Hirsch and James Ryan intentionally committed the following fraudulent acts upon the courts, with the help of the FBI and U.S. Trustee Mark Neal, so that we couldn't fully and fairly pursue our claims. In fact, Hirsch and Ryan sought to induce Judge Peter J. Messitte to grant summary judgments for a fraudulent amount of $855,000 and to criminalize the collection of this unproven debt by levying injunctions against me and spouse, Edith Truvillion, with threats of imprisonment.

1.. Emil Hirsch manufactured evidence to draft claims against DK&R Company's Estate that Judge Messitte relied upon to determine that we, as co-guarantors, jointly owe

Pramco $855,000. Then, Hirsch submitted false affidavits from one, Julia Tumia, a clerk at Pramco, to support these false claims which amount to perjury and fraud upon the court. Also, Hirsch did falsely claim that when DK&R took out the commercial mortgage loans in 1994 and until 2000, DK&R never made a payment and therefore $855,000 was due Pramco. But the Riggs Hill loan documents did show that DK&R took out these loans originally from Ameribanc of N. Virginia in 11/1989 and in 9/2000, when DK&R sought protection in bankruptcy, the principal and interest on the subject loans combined should have been $300,000 and not $855,000. See U.S. v.International Tel. & Tel. Corp. (1972, DC Conn) 349 F Supp 22. 410 US 919, 35 L Ed 2d 582, 93 S Ct 1363. So, this newly discovered evidence in the form of an SBA disclaimer should be admitted into the record because it's relevant and also because the 4th Circuit had overlooked it in its 10/2006 ruling. Now, the relevancy of this disclaimer is its assertion that Pramco couldn't have proven its claims in the Bankruptcy Court or any court and therefore Judge Peter J. Messitte was wrong to have summarily imposed summary judgments on us in 5/2003 in cases PJM CA02-042, PJM CA02-043 and PJM CA02-044.

In another instance where creditor Pramco co-

counsel Jim Ryan perpetrated fraud on the court was making appearance in court when he had no standing to do so. See Court Clerk' censure notice in Writ of Certiorari, 06-1000 Brief, Appendix I. Also, see Hazel-Atlas Glass Co. v Hartford-Empire Co. (1944), 322 US 238, 88 L Ed 1250, 64 SCt 997, 322 US. 772, 88 L Ed 1596, 64 SCt 1281.

2. .In tandem with the above, Judge Messitte's summary judgment orders and injunctions restricted our ability to fully defend ourselves against Pramco's fraudulent claims. See Writ of Certiorari, 06-1000 Brief, Appendix N. At the end, Judge Messitte summarily busted our Living Trust and appointed a Receiver to liquidate the Trust's assets on 4/5/04 and gave the money to Pramco. Throughout all this, we made diligent efforts to verify or to force creditor Pramco to prove its claims in the U.S. Bankruptcy Court But Bankruptcy Judge E. Steven Derby never gave us a hearing on our objections to Pramco's claims, even though DK&R's Trustee Richard M. Kremen had the fiduciary duty to examine or scrutinize all claims, but he failed to do so in regards to the sixteen Objections and adversary motions we filed against Pramco's fraudulent claims. See Bankruptcy Case #00-61147SD.

3 In Spring 2005, a year after we had fully paid Pramco's fraudulent claims, U.S. Trustee Mark Neal sought to indict

me for Bankruptcy fraud and violating Judge Messitte's injunctions. Then the FBI raided our Beltsville residence on 2/17/2005 and hauled away 27 cartons of personal and business documents and computers with a warrant supported by a false affidavit. And even though Franks v Delaware, 438 U.S. 154 (1978) says the seizure was illegal, the lower court overlooked the illegal seizure. We, therefore, did not have original documents to present our case in court right away. I was then arrested by the FBI in 5/2005 and detained for 5 months on the obstruction of justice charges and additional allegations of threatening Judge Messitte, Judge Derby and DK&R Trustee Richard M. Kremen based solely on my written letters and court filings to get a fair hearing to review Pramco's claims. During my 5-month detention, my wife and I wrote the Small Business Administration (SBA) in 7/2005 to obtain our loan records from the Money Store, which we thought the SBA must have because it bought our loan notes from the Money Store when the Money Store went bankrupt and the SBA later sold those notes to Pramco. The SBA responded in 8/2005 with a "disclaimer" letter which states that when Pramco bought DK&R's Riggs Hill loan notes from the SBA,the co-guarantors, it did not receive loan documentation because the SBA never received such documentation when it purchased the notes from the

Money Store. Pramco attorneys Emil Hirsch and James Ryan knew this all along that Pramco's claims could not be proven and schemed to induce Judge Messitte to muzzle us from protesting his summary judgments by motioning Judge Messitte for criminal injunctions against me and my wife which "tied our hands" and criminalized the debt collection process. See Federal Rule 60(b)(3), 28 USCA; Viada v Osaka Health Spa, Inc. 235 F.R.D. 55 (S.D. N.Y).

In sum, Emil Hirsch and James Ryan manipulated the judicial system and manufactured evidence to support the $855,000 fraudulent claim in U.S. Judge Peter J. Messitte's courtroom. Their actions constitute fraud upon the court and those actions prevented us from fully and fairly presenting our case. See Independence Lead Mines Co. v. Kingsbury (1949, CA 9 Idaho), 175 F2d 983, cert den 338 U.S. 900, 94 LED 554, 70 SCT 249, Toscano v Commissioner (1971, CA9) 441 F2d 930. Therefore, Judge Messitte's summary judgments Orders of 5/2003 should be voided (see PJM CA02-042, PJM CA02-043, as well as, his Order of 4/5/04 that busted our Living Trust to satisfy the above summary judgments. See Pramco V. Ammendale Trust, Case # PJM 03-2241.

In another instance where creditor Pramco perpetrated fraud upon the court that justifies a reversal of Judge

Messitte's various judgments, i.e., PJM CA02-042, PJM CA02-043 and PJM CA02-044 and the judgment that busted the Living Trust on 4/5/2004 was the misconduct of James Ryan, creditor Pramco's co-counsel whom Felicia Cannon, the court clerk at the U.S. Federal Courthouse in Greenbelt, MD censured for proceeding to seize our assets without being in good standing to practice in the Federal Court. See Writ of Certiorari #06-1000, Appendix I.

Fraud by DK&R Trustee Richard M. Kremen

Separately, Trustee Kremen committed the following fraudulent acts:

1.He failed to investigate Pramco's fraudulent claims even though he had fiduciary responsibilities to have done so as an officer of the court and DK&R's Trustee. In fact our sixteen Objections to Pramco's claims are still outstanding in the Bankruptcy Court.

2.He did transfer over $250,000 from DK&R's Chapter 7 Estate to creditor Pramco without a court order at a time when Pramco could not prove its post-petition claims in the Bankruptcy Court or any other court. See Writ of Certiorari # 06-1000, Appendix P.

Conclusion

I pray the High Court will consider to rehear my petition for Writ of Certiorari to remand this case to the Third

Circuit where DK&R was originally incorporated because it appears we are not likely to get an impartial review in Maryland or with the 4th Circuit. This is because after my arrest by the FBI, in the related subsequent criminal case that has arisen, Judge Joseph R. Goodwin of West Virginia was appointed by the Maryland Chief U.S. Judge to try it (criminal case AW05-cr-0254) because none of the Federal Judges in Maryland want to handle this case. And both Judge E. Stephen Derby and Judge Peter J. Messitte appeared as prosecution witnesses against me at my trial in 8/2006.

A rehearing is also in order because the SBA disclaimer, if admitted into the record, will provide additional grounds why this case should be remanded for it's relevant and it is material to issues which are determinative of the controversy. See Dames v. State, 314 So 2d 171 (Fla. Dist.Ct. App. 3d District 1975) and Highlands Cable Television, Inc. v. Wong 547 S.W. 2d 324 (Tex. Civ. App. Austin 1977). And this newly discovered evidence affects the merits of the dispute for it shows that creditor Pramco did make misrepresentations about its claims solely to induce Judge Messitte to grant it summary judgments in 5/2003. See Vanal Styne v. Whalen, 15 Mass. App. Ct. 34, 445 N.E. 2d 1073 (1983).

A rehearing is therefore in order so that the High Court can issue a certiorari so that claims against DK&R's Bankruptcy, i.e. Pramco's fraudulently obtained summary judgments against us, DK&R and my spouse Edith's claim of $1.2 million against DK&R's Estate that was never given a hearing on its merits, can upon a remand to the Third Circuit all be reviewed and each claim verified before payment.

Respectfully Submitted by: _____ 4/30/07

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Certification Pursuant to Supreme Court Rule 44(b)

I, David Kissi, hereby certify that this Petition for Rehearing is restricted to the grounds specified in Rule 44 of the Rules of the United States Supreme Court Specifically, the ground for rehearing in this matter is the intention to commit fraud by Trustee R.M. Kremen, Emil Hirsch and James Ryan which the earlier Brief for certiorari did not highlight in its proper context. Furthermore, this Petition for Rehearing is presented in good faith and not for delay.

Respectfully Submitted by: _____ 4/30

David Kissi, Petitioner